

# DIFFERENTIAL CASE IS UP FOR DECISION

## Final Arguments Made Before Interstate Commerce Commission.

### NEW YORK COMPLAINT IN Chamber of Commerce Charges Discrimination in the Present Rates.

WASHINGTON, April 10.—The question of whether there shall be freight differentials on export and import traffic or whether the ports of Boston, New York, Philadelphia and Baltimore shall have identical rates on this class of traffic is before the Interstate Commerce Commission for decision. Final arguments were made today by attorneys representing commercial organizations of Boston, New York, Philadelphia and Baltimore.

The subject has been before the commission in one form or other for many years and has at times led to freight wars which have threatened to spread to all classes of traffic between the Mississippi River and the Atlantic seaboard. The dispute is before the commission in two proceedings—one an arbitration proceeding and the other by a formal complaint brought by the Chamber of Commerce of the State of New York.

The complaint of the Chamber of Commerce charges that the present adjustment prejudices the port of New York and unduly prefers the ports of Philadelphia, Boston and Baltimore. The port of New York wants identical rates from and to all the ports. Boston interests want the Baltimore rate and Philadelphia and Baltimore want the differential maintained; that is, an average of six cents a hundred pounds in class rates lower than New York in the case of Philadelphia and eight cents a hundred less than New York in the case of Baltimore.

The railroads in general want the differential system maintained.

Philadelphia, Boston and Baltimore claim that without differentials the port of New York would be the business center. Under present conditions with a differential against that port it is getting about 75 per cent.

Benjamin L. Fairchild, representing the Chamber of Commerce of the State of New York, made the argument in behalf of the port of New York. He said the representatives of the other ports called the case "the cause of New York."

"I prefer to term it the cause of the consuming and productive West," declared Mr. Fairchild, "the producing exporters in competition with foreign countries for foreign trade."

Mr. Fairchild said he did not believe the elimination of the differentials would immediately benefit New York, as it was an expensive port and could never be able to handle traffic as cheaply as Baltimore in particular.

"New York has lost much of her commerce," he said, "because of the fact that the port of New York is not the business center. The strong competitor she is to-day New York's loss was largely reflected in an increase at Baltimore and Philadelphia. Norfolk and Newport News also gained largely from New York until the Gulf took from them what they had taken from New York."

Mr. Fairchild said he believed that one of the advantages of New York is the permanent elimination of the differential would be united action on the part of the United States Atlantic ports and their railroads to meet the serious Canadian port competition. He called attention to the fact that the State of New York had appeared in this proceeding by its Attorney-General, together with the Corporation (consent) of the City of New York, to protect against a continuation of the discriminatory rates against the New York port.

He said the New York Central lines, the Erie and the Lackawanna railroad were record as being the only lines in New York State that to Baltimore, and that the rates complained of were forced on them by the Pennsylvania Railroad and the Baltimore and Ohio Railroad through threatened and actual wars.

Argument for the differentials was made by George Stuart Patterson, representing the Pennsylvania Railroad; W. Irvine Cobb, representing the Baltimore and Ohio; and John B. Daish and Arthur G. Brown, representing the city of Baltimore. Boston and Philadelphia attorneys also were heard. Charles F. Hamlin appearing for the Boston Chamber of Commerce and James C. Jones for Philadelphia interests.

## COST OF OPERATING THE CANAL.

### Prof. Emory R. Johnson Says It Will Be Over \$50,000,000 a Year.

WASHINGTON, April 10.—The outgo of Uncle Sam's cash on the Panama canal when the great waterway is in operation will be over \$50,000,000 a year, according to a statement made before the Senate Commerce committee by Prof. Emory R. Johnson, professor of transportation and commerce in the University of Pennsylvania and special commissioner on Panama traffic and tolls by appointment of President Taft. He stated that the canal, under present operation, cost \$4,000,000; interest on investment, \$11,500,000; amortization of canal cost, \$15,000,000.

"What is the difference that would cost for carrying the canal," he asked Senator Brewster of Kansas. "It is a world's highway," answered Prof. Johnson. "The time will come when the canal cannot finance itself, and the public works out of the canal there is but one look to them for revenue."

Prof. Johnson said the question of tolls should be handled by the President, that it would be an administrative matter and not one to be restricted by a rigid law.

Tolls would be of various charges per ton according to conditions, he added. He said that the canal was not a purely matter of administration. As an example he cited that ships from South America entering New York from the canal would be charged 2 cents a ton, while ships from distant points, like Australia, pay 6 cents.

"It would be to use," said Prof. Johnson, "to base tolls at the beginning on the probable volume of traffic, then watch the traffic and permit the tolls to make changes according to the traffic."

The government should have two large coal supply bases at the canal, he said. One for the navy and sale of fuel coal to commercial vessels will substitute traffic for the canal.

He expressed the hope that the complicated question of relations between steamship lines and railroads should be considered apart from the bill fixing tolls and providing for government of the zone. "Some people think that the question is vital," he said, "but the bill suggested Senator Brewster. 'Do you believe railroads should be allowed to control steamship lines?'"

## SEES ART IN OLD HOTEL.

### Hoffman House Stones Bought to Decorate New Mansion.

A woman stepped out of a motor car recently at Broadway and Twenty-fifth street and asked Harry Smolen, foreman of the wreckers who are demolishing the Hoffman House, if she could buy the Moorish and Gothic balconies and the pillars of the old hotel.

Smolen directed her to the contractors and they sold the desired objects to a woman for a sum which is said not to exceed \$2,000. The woman is Mrs. Georgina Timken Fry, whose husband, John H. Fry, is an artist. Mrs. Fry lives at the Gainsboro Studio, at 222 Central Park South. Both Mr. and Mrs. Fry are at present in Paris giving an exhibition.

According to Louis Green, a decorator, at 262 Fifth avenue, Mrs. Fry has always been an admirer of the architecture of the old Hoffman House.

"In Greenwich, Connecticut," said Mr. Green, "I am going to build a house for Mrs. Fry with Gothic trimmings and on the old Hoffman House. She has bought the stones from the Hoffman House. Some of these stones weigh as much as 8,000 pounds. A feature of the Greenwich mansion will be a tower twenty-four feet in height. The site is on a hill, and at the foot we are to have a lake with Venetian gardens and hanging bridges.

"The stones from the Hoffman House will be placed at various corners of the new house. The Gothic tower will be a great arch. The central hall will be a gallery. Part of the Moorish room of the Hoffman House will be a part of this hall."

The stairways of the hotel will be placed in the center of the house and some of the marble columns of the upper floors of the old hotel will be fitted in other places.

Mrs. Fry, who is an artist as well as her husband, is a former student of the New York and St. Louis Art Schools. She studied in Paris with the late August Schenck, Harry Thompson and G. Guigui.

## WIFE SUES TOL SLOAN.

### Julia Sanderson Gets Permission to Serve Him in Paris by Publication.

Julia Sanderson, the actress, filed suit yesterday for a divorce from James Tol Sloan, the former jockey and now actor, in the Supreme Court. The complaint is to serve her husband by publication at the Hotel Royal, Malson-Lafitte, Seine, France, on the ground that Sloan does not intend to return to this country.

In her complaint Miss Sanderson says she was married to Sloan in 1907 and lived with him at the Hotel Belvedere until the summer of 1908, when she went to Europe and did not return to him. She alleges misconduct with Mabel Robinson on a train between New York and Saratoga in August, 1908, with women unknown to her in 1908 and 1909 and with Charlotte Palmer at the Palace Hotel, Brussels, in November, 1909, at Orleans, France, and in London, England.

Miss Sanderson's affidavit says that since racing with betting has been abolished in this State, she believes her husband will remain in Europe, where he is now employed.

Semour Beutler, a detective, makes affidavit that he has made inquiry in the Tenderloin in New York, where Sloan is known, and is informed that Sloan will remain abroad. Sloan had lunch with him at Rector's in 1908 and said he was going to Europe to stay. On March 4 last Beutler said that Sloan, brother of Tol, in John McGraw's billiard room, in which Sloan has an interest, and Cassius said he had a letter from his brother telling him he could come to New York and live with him.

His life if he would behave himself. Tol wrote that he had had a successful season with his horses and expected even greater success this year. Mr. Beutler said that Sloan is now training the horses owned by Theodore Myers.

Miss Sanderson was married to Sloan by the Rev. Henry Marsh Warren. After she left him to go to Europe Sloan followed to try to effect a reconciliation. He remained in Europe just after his wife had taken a boat back.

## GOVERNMENT GETS CHEAP COAL.

### Panama Railroad Contract Awarded to the Pocahontas Co.

The Panama Railroad Company has awarded its contract for 500,000 tons of coal a year for a period of two and a half years to the Pocahontas Fuel Company at \$2.70 a ton for the first year and \$2.65 a ton thereafter, provided that the coal prices at the beginning of the second year are below \$2.70 a ton. The present contract price compares with \$2.59 a ton last year, at which rate coal was supplied to the Government's Isthmian railroad by the same company. The Government in this instance contracted for a longer period than the usual one year in order to insure coal supply until near the completion of the Panama Canal. It is said that the coal men like the new arrangement better than the old, the change in the contract price evidently leaving them in a better position to command excellent prices. There has been considerable interest in coal circles over the opening of bids and awarding of a contract by the Government because of our coal strike, the British strike, and the consequent congestion of the coal trade.

Most of the bids submitted were extraordinarily high, evidently based on the assumption that the coal strike here would be long. Some men took it yesterday that the Pocahontas Fuel Company's low bid showed sound assurance that the strike would not be so serious as many smaller coal producers have feared.

## ONTARIO A TOTAL LOSS.

### No Further Effort to Save Stranded Steamship.

The following wireless message was sent yesterday morning from the revenue cutter Acushnet, which has been standing by the wreck of the steamship Ontario, beached near Montauk Point.

"Anchored 5 A. M. off Ontario. Wind moderate, northeast breeze with a long southwest swell. When direction of wind changed flames went aft. Deck all burned away and vessel aflame fore and aft. We picked up two missing men and ship's boats. Have them on board. Could not recover hose and lines. No further assistance needed, as nothing can be done."

"We leave for New Bedford. Consider it useless for you to come out here. Mohawk leaves for New London. Will call on Monday. I will remain in New London until tomorrow."

New London, Conn., April 10.—The crew of the steamship Ontario, which was beached off Montauk Point, L. I., on Monday night, the night here and started for Boston on an early train this morning. Including the officers, there were thirty-eight men of the crew. The ship was beached at Montauk Point, L. I., on Monday night, the night here and started for Boston on an early train this morning. The forecastle fell at 5.50 o'clock this morning.

# TRANSACTIONS IN THE REALTY MARKET

## Leading Interest in Auction Market, Though Few Pay Prevailing Prices.

### HOTEL FREDERICK \$177,000

#### Recent Buyer of Hotel Albany Purchases Lease—To En- large Charles Building.

Interest in the real estate market centered yesterday in the Vesey street auction room, where Joseph P. Day and Bryan L. Kennelly offered at voluntary and at forced sale a number of properties of moderate importance. There was a good crowd present to bid on the properties, but as at most recent auction sales few were ready to give the prevailing prices.

Some of those who were alert in their search for bargains were well paid. Samuel H. Stone, for instance, and Helmer Wolf and L. A. Pincus, associated with him, picked up the Hotel Frederick, an eight-story structure at 210 and 212 West Fifty-sixth street, on plot 50120, for \$177,000, whereas it is assessed for purposes of taxation at \$235,000, and the indebtedness on it—the property was sold in foreclosure—was more than the amount of the bid.

The principal offerings by Mr. Day at voluntary sale were two corners on Maiden lane. For the northeast corner of Pearl street, known as 113 Maiden lane, an old building, on plot 25-650-6, the Charles T. Noyes Company, acting for a client, was the successful bidder at \$44,000. The northwest corner of Maiden lane and Pearl street, a five-story building 60x16.8, was sold to William Crawford for \$56,100. Both parcels were offered for the executors of the Shortemeyer estate.

Full reports of the day's offerings are given in another column.

The way was cleared yesterday for an improvement on the Hotel Albany at the southeast corner of Broadway and Forty-first street. The lease held by the R. P. Murphy Hotel Company, and having about ten years to run, was sold at auction by the receiver of the hotel company to Irving Griswold of Albany, who bought the property about two weeks ago. It has been announced that Mr. Griswold would make extensive alterations and improvements. Since he bought the property, however, it has been reported that a retail concern is after the property.

Harris and Maurice Mandelbaum are the buyers of the northwest corner of West End avenue and Eighty-fifth street, the sale of which was reported yesterday. They are said to have paid \$385,000 for the corner properties, which front 102 feet on West End avenue and 150 feet on Eighty-fifth street. This is their second large deal in the vicinity during the last few weeks, the other having been for the Amidon block on the north side of Eighty-third street from West End avenue to Broadway, which they successfully resold.

Charles L. Bechtel, architect, has filed plans for building a fourteen-story extension on the Madison avenue side of the Charles L. Bechtel building, which front 102 feet on Madison avenue and Forty-third street. This extension will have a frontage of 41.8 feet and a depth of 100 feet. The facade will be similar to the main structure. Charles & Co. are the owners of record. The cost has been estimated at \$300,000.

THIRD AVENUE TENEMENT.  
Greeneberg & Leuchtag, architects, have filed plans for the construction of a six-story tenement with store on the south side of Christopher street, 123 feet west of Third avenue, fronting 100 feet. It will have a frontage of 69.6 feet and a depth of 61.4 feet. The cost has been estimated at \$45,000.

ADD TO SETTLEMENT HOUSE.  
Crow, Lewis & Wickenhoefer, architects, have filed plans for a four-story settlement house situated on the east side of Avenue B, 72.3 feet north of East 10th street, fronting 100 feet. It will have a frontage of 70 feet on Avenue B and 100 feet on East 10th street. The cost has been estimated at \$45,000.

SEVEN STORY GARAGE.  
George M. McCabe, architect, has filed plans for making over the six-story stable on the north side of Eighteenth street, 150 feet east of South avenue and known as 157 and 159, into a garage and increase its height to seven stories by erecting a new front facade. The cost has been estimated at \$100,000. William F. Donnelly is the owner of record.

BROOKLYN BUILDING PLANS.  
The plans filed in the Borough of the Bronx comprise three two-story frame dwellings, 15.5 by 34 feet each, on the north side of Street 100, between East 101st and East 102nd streets, owned by Olmsted & Company, for the Mink Construction Company, at a total cost of \$8,000. The building will be a three-story structure, 15.5 by 34 feet, on the north side of 153d street, 146.6 feet west of Elton avenue, for the Florida Realty Company, at a cost of \$40,000.

JUDGES LEASE CHAMBERS.  
The Judges of the Supreme Court for this district have leased their private chambers the two upper floors of the Emigrant Industrial Savings Bank Building at 61 Chambers street, which has been the broker in the transaction.

NEW KINEMACOLOR OFFICES.  
The Kinemacolor Company of America, has leased the entire eighth floor in the New York City Building at 100 Broadway and Forty-eighth street for a term of years, and will install there the equipment for the production of motion pictures of the parent company, which operates the Urban patents on this side of the Atlantic.

The floor area of the new quarters of the Kinemacolor Company, which front 100 feet on Broadway and 100 feet on Forty-eighth street, will be divided into elaborate suites of offices.

MERCANTILE LEASES.  
The Charles F. Noyes Company has leased the building at 75 Front street, southeast corner of Broadway, to the Noyes Company. Extensive improvements will be made to the premises and the entire building will be leased to the Noyes Company. The lease will be for a term of years, and the building will be vacated by the Noyes Company at the expiration of the lease.

SATISFIED MECHANICS LIENS.  
The West Side Taxpayers Association will hold a meeting this evening at 267 West 144th street.

REAL ESTATE NOTES.  
Du Bois & Taylor negotiated the sale of a large lot on the north side of the plot running through from Amsterdam to St. Nicholas avenue, 50 feet south of 160th street, for John J. Hermann, who will erect a six-story building.

(With names and addresses of lender and borrower.)  
LOT 215, map Gleason property, 2nd ward, Oct. 10, 1909, sold to John J. Hermann, at \$100,000, by Du Bois & Taylor, 123 West 144th street, at \$100,000.

LOT 116, map Gleason property, 2nd ward, Oct. 10, 1909, sold to John J. Hermann, at \$100,000, by Du Bois & Taylor, 123 West 144th street, at \$100,000.

LOT 117, map Gleason property, 2nd ward, Oct. 10, 1909, sold to John J. Hermann, at \$100,000, by Du Bois & Taylor, 123 West 144th street, at \$100,000.

LOT 118, map Gleason property, 2nd ward, Oct. 10, 1909, sold to John J. Hermann, at \$100,000, by Du Bois & Taylor, 123 West 144th street, at \$100,000.

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LOT 120, map Gleason property, 2nd ward, Oct. 10, 1909, sold to John J. Hermann, at \$100,000, by Du Bois & Taylor, 123 West 144th street, at \$100,000.

LOT 121, map Gleason property, 2nd ward, Oct. 10, 1909, sold to John J. Hermann, at \$100,000, by Du Bois & Taylor, 123 West 144th street, at \$100,000.

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LOT 124, map Gleason property, 2nd ward, Oct. 10, 1909, sold to John J. Hermann, at \$100,000, by Du Bois & Taylor, 123 West 144th street, at \$100,000.

LOT 125, map Gleason property, 2nd ward, Oct. 10, 1909, sold to John J. Hermann, at \$100,000, by Du Bois & Taylor, 123 West 144th street, at \$100,000.

LOT 126, map Gleason property, 2nd ward, Oct. 10, 1909, sold to John J. Hermann, at \$100,000, by Du Bois & Taylor, 123 West 144th street, at \$100,000.

LOT 127, map Gleason property, 2nd ward, Oct. 10, 1909, sold to John J. Hermann, at \$100,000, by Du Bois & Taylor, 123 West 144th street, at \$100,000.

# CLAIM AGAINST UNCLE SAM.

## It May Amount to \$100,000,000 If a Senate Bill is Passed.

WASHINGTON, April 10.—Basis for a claim against the United States of \$100,000,000 or more is contained in a bill introduced in the Senate today by Senator Chilton of West Virginia.

"The bill will make the country sit up and take notice," said Mr. Chilton. "Its object is to give jurisdiction to the Court of Claims to determine the claim of any of the original States under the cession made by Virginia in 1784 for the vast territory west of the Ohio River—the North-western Territory."

Virginia claimed all this territory under Colonial grants, Maryland and other States objected to entering the Federation of States if Virginia had this land. The North-western Territory was given up by the territory. Heretofore, it has been accepted that this cession was made without conditions.

Senator Chilton raises the point that the cession did not provide that the United States should have the benefits of this land, and holds that only the thirteen original States should benefit by it.

## BIG FOURTH AVENUE DEAL.

### Investor Buys the Trimbale Property in 25th Street for Improvement.

Israel Unterberg, who last year bought two twelve-story loft buildings in Twenty-seventh street not far from the Pennsylvania Station, yesterday added another large plot of holdings.

Through Frederick Fox & Co. he bought the realty of Richard and Walter Trimbale at 53 to 59 East Twenty-fifth street and 532 Fourth avenue, a plot of 11,325 square feet. The plot will be improved with a tall loft building. The height of the structure has not been determined as yet, but it was said that it would probably not be less than sixteen stories high.

It will be started shortly in order to be ready for the February renting season. Already negotiations are well advanced for the leasing of the store, basement and several floors in the building.

The plot is one of the few available for improvement in the Fourth avenue district south of Madison Square Garden. It fronts 100 feet on Twenty-fifth street and 110 feet on Fourth avenue. This is the last of the block. The property is covered with small houses. On the Twenty-fifth street side there are four four-story and basement dwellings, which are still used as such. The Trimbale corner of the block, where the Fourth avenue property is encumbered with a four-story building which has long since passed its usefulness. The removal of this structure would only a few more dwellings on that block.

For the site it is said Mr. Unterberg paid close to \$450,000. Together with the corner of the building, which is purchased for \$450,000, the transaction will involve \$900,000.

Mr. Unterberg owns 4, 6 and 8 West Twenty-seventh street and 119 to 125 West Twenty-ninth street, for which he paid \$100,000.

## ALLIANCE REALTY CO. BUYS

### A Large Plot on 86th Street Adjoining Corner of Park Avenue.

THE ALLIANCE REALTY COMPANY has purchased from H. G. & A. Cowen the plot 100x100, on the north side of Eighty-sixth street, between Park and Lexington avenues. This plot is now occupied by four old apartment houses and was sold by John J. Kavanagh. Eighty-sixth street is 100 feet in width and has been selected as the site of the express station of the new Lexington avenue subway. The property is suitable for development with a modern apartment house, as it is bounded by the new express station over the Park Avenue M. E. Church and the newly erected residences of Reginald DeKoven and Amos Pinchot.

MADISON AVENUE.—Pence & Elliman have sold to Gustav G. Barnett and Sadie Rosenthal 785 Madison avenue, a four-story and basement dwelling on lot 20x75 between Sixty-sixth and Sixty-seventh streets. The block is owned by the Rosenthal family in forty years.

WEST 14TH STREET.—The Saranac Construction Company, Max Leisach, president, sold to H. B. Davis the new six-story apartment house known as the Saranac, at 400 West 14th street, on lot 125x90 ft., located between Convent and Amsterdam avenues. In part payment Mr. Davis gives the site of the old building at 400 West 14th street, on lot 125x90 ft., located between Convent and Amsterdam avenues. He recently purchased from Julius Tishman through N. A. Barnett.

WEST 14TH STREET.—Louis Auerbach has sold through Philip J. Seaton to Max Marx 408 West 14th street, a three-story and basement dwelling on lot 20x75, located between Convent and Amsterdam avenues. Other property was given in part payment.

## BROOKLYN SALES.

Charles E. Miller has sold for Emma E. Desmarais 625 Fifty-third street, a two-story and basement dwelling, for \$100,000, to Thomas Lambert.

Percy L. Fox has sold for Philip Munch the two-story and basement dwelling at 340 Fifty-second street to George H. Fox, for \$100,000.

E. Sharum has sold for the Armory Real Estate Company, 140 West 14th street, a three-story brick, three-family house on lot 20x75, between Wythe and Red Hook streets, for \$100,000.

John N. Golding has sold for the Hudson and Manhattan Railroad Company to the National Carbon Company, represented by the Frank J. Matthews Company, the building at 100 West 14th street, reported sold yesterday by Alfred Seaton to the Hudson and Manhattan Railroad Company.

SALE AT WOODMERE.  
Miss Millicent Baum has purchased Mrs. Allen's residence on Irving place between 140th and 141st streets, for \$100,000, from the Woodmere Realty Company, which was the broker.

RECENT BUYERS.  
Clarke G. Dailley is the buyer of the three dwellings at 124 to 130 East Eighty-third street, reported sold yesterday by Yosta Rosenberg. John J. Kavanagh was the broker.

Alfred Seaton is the buyer of the dwelling at 7 West Fifty-second street, sold recently by Thomas Denny through Henry D. Williams & May.

Catherine Brown is the buyer of the dwelling at 160 West Twenty-first street, reported sold recently by Albert A. Curtis through Louis Schrag.

George C. Smith is the buyer of the dwelling at 1031 Third avenue, reported sold recently by Charles Soysmith through Henry D. Williams & May. This passed yesterday. The house is on lot 20x75, West Fifty-sixth street.

## RESULTS AT AUCTION.

PUBLIC OFFERINGS YESTERDAY IN MANHATTAN AND THE BRONX.  
(At 144 Vesey Street.)  
By Joseph P. Day.

ALLEN ST. 104, a 2 1/2 x 100 ft. lot, 112

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